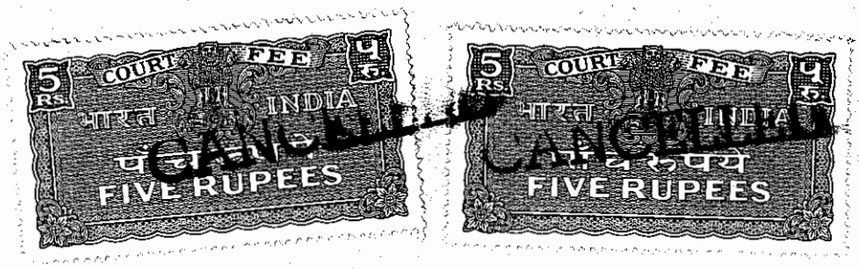


C.F.16

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**IN THE HIGH COURT OF JUDICATURE CHHATTISGARH**

**AT BILASPUR**

**Writ Petition No. 1644 of 2004**

**PETITIONER** : Ramphal S/o Ronha, aged 55 yrs. By caste Gond, Occupation Agricul -turist, R/o Village Barbuspur, P.S. & Tah. Pratappur, District Sarguja (C.G.)

**VERSUS**

**RESPONDENTS** R-1 Suhani D/o Dirpal aged 60 years, By caste Gond, Occupation Agricul -turist, R/o Village Barbuspur, P.S. & Tah. Pratappur, District Sarguja (C.G.)

S R

P.R. No. 1648/04
Presented by Shri D.N. Bajpai
18-6-04

R 2. State of Chhattisgarh Through Collector, Sarguja Ambikapur Distt. Sarguja (C.G.)

R.

**PETITION UNDER ARTICLES 227 OF THE CONSTITUTION OF INDIA , FOR ISSUANCE OF SUITABLE DIRECTIONS, ORDERS OR WRITS INCLUDING WRITS IN THE NATURE OF CERTIORARI, MANDAMUS ETC.**

The humble petition of the petitioner above named

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XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

W.P.No. 1644/04

मामला क्रमांक सन् 200

विरुद्ध

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|

21.09.2004

Shri D.N.Prajapati, counsel for the petitioner.

Shri Sunil Sinha, counsel for respondent No.1

The petitioner has preferred this Writ Petition under Article 227of the Constitution of India being aggrieved by the orders dated 11.03.2003 and 12.05.2004 whereby the applications of the petitioner filed under Order 17 Rule 1 read with Section 151 of the C.P.C. have been rejected by the Civil Judge Class II, Pratappur in Civil Suit No.52 A/2003 (Ramphal Vs Suhani & others).

I have heard learned counsel for the parties.

A perusal of the impugned orders reveal that the plaintiff's suit was fixed for evidence on 16.02.2001 for the first time after framing of the issues and since then the petitioner took several adjournments for adducing evidence and on 10.01.2003, the last opportunity was given to the petitioner. On that day the witnesses were not present. Thereafter also the plaintiff could not produce the evidence and ultimately on 11.03.2003 the right of the petitioner to adduce evidence was closed. In all, 11 opportunities were given to the petitioner to adduce evidence whereas, as per the provisions of Order 17 Rule 1 of the Civil Procedure Code, the Court is not entitled to give adjournments, more than three times. As such, I am of the opinion that the trial Court while passing the impugned order has not

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

# आदेश पत्रक

W.P. No. 1695/04

मामला क्रमांक ..... सन् 200

विरुद्ध .....

| आदेश का दिनांक आदेश क्रमांक सहित | आदेश हस्ताक्षर सहित -2- | कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश |
|---|---|---|
| | committed any illegality, or irregularity and the petitioner has not been able to make out a case for invoking extra ordinary jurisdiction vested in this Court under Article 227 of the Constitution of India.<br><br>In view of the above the petition is liable to be dismissed and it is dismissed.<br><br>**Sd/-**<br>**L.C. Bhadoo**<br>**Judge** | |

Padma

[पीछे देखिये